

# **EXHIBIT E**



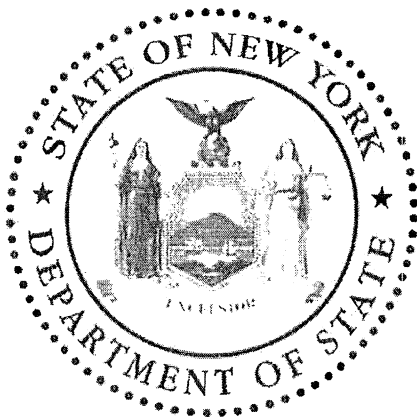
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2. has been signed by **Luis M. Diaz**
3. acting in the capacity of **County Clerk**
4. bears the seal/stamp of the **county of Bronx**

Certified

5. at New York City, New York
6. the 9th day of January 2019
7. by Deputy Secretary of State for Business and Licensing Services, State of New York
8. No. NYC-1166586
9. Seal/Stamp
10. Signature



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Whitney A. Clark

Deputy Secretary of State for Business and Licensing Services

STATE OF NEW YORK  
COUNTY OF BRONX  
COUNTY CLERK'S OFFICE

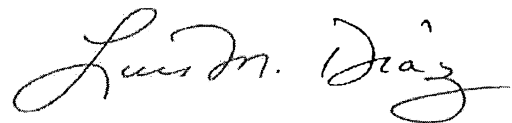
SS:

I, Luis M. Diaz, County Clerk of the County of Bronx, State of New York and also Clerk of the Supreme Court in and for said County and State, the same being a Court of Record and having a seal;

DO HEREBY CERTIFY THAT SCHANFIELD, NAOMI SC2545542  
Term 3/18/2016 to 3/18/2020

Whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of their official character, and autograph signature, have been filed in my office; that as such the Notary Public was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State, to protest notes and to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public or have compared the signature on the annexed instrument with their autograph signature deposited in my office,

IN WITNESS WHERE OF, I have hereunto set my hand and affixed my official seal at Bronx, Bronx County, New York on January 9, 2019



LUIS M. DIAZ  
BRONX COUNTY CLERK



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DEPARTMENT OF STATE  
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## AFFIDAVIT

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COUNTY OF New York

I, Dror Bikel, being duly sworn, deposes and says:  
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1. I have affixed hereto the following document: transcript of court appearance;  
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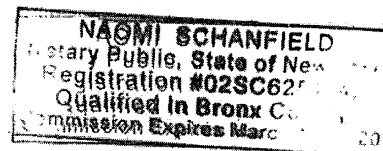
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Sworn to before me on this 9/16

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[Signature]  
Notary Public Signature



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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK - CIVIL TERM - PART 31

-----X  
MAKHPAL KARIBZHANOVA,

Plaintiff,

-against-

Index No. 309346/17

AIDAN KARIBZHANOV,

Defendant.

-----X  
71 Thomas Street  
New York, New York  
January 4, 2019

B E F O R E:

HONORABLE LAURA DRAGER,  
Supreme Court Justice

A P P E A R A N C E S:

NEWMAN & DENNEY, PC  
Attorneys for the Plaintiff  
570 Lexington Avenue  
New York, New York 10022  
BY: LOUIS I. NEWMAN, ESQ.

BIKEL & SCHANFIELD  
Attorneys for the Defendant  
18 East 48th Street  
New York, New York 10017  
BY: DROR BIKEL, ESQ.  
BY: DANIT HALBERSTEIN, ESQ.

(Continued)

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A P P E A R A N C E S:

THE LAW OFFICES OF DIAMOND & FEE, PLLC  
Attorneys for the Child  
150 East 58th Street  
New York, New York 10155  
BY: TARA DIAMOND, ESQ.

JO ANN DOUGLAS, ESQ.  
Attorney for the Child  
170 Second Avenue  
New York, New York 10003

ALSO PRESENT: ANNA TOKMAKOFF  
(Russian Interpreter)

Diane Kavanaugh, RPR  
Senior Court Reporter

1 Proceedings

2 COURT OFFICER: Calling Index No. 309346 of  
3 2017 in the matter of Karibzhanova v. Karibzhanov.  
4 Counsel, your appearances.

5 MR. NEWMAN: Good afternoon, your Honor.  
6 For the plaintiff, Newman and Denney, 570  
7 Lexington Avenue, New York, New York, by Louis I.  
8 Newman.

9 My client is to my immediate right.

10 MR. BIKE: Good afternoon, your Honor.

11 Dror Bikel, Bikel and Schanfield, with Danit  
12 Halberstein, for the defendant, 18 East 48th Street,  
13 suite 1001, New York, New York 10017.

14 MS. DIAMOND: Tara Diamond, Law Offices of  
15 Diamond and Fee, 150 East 58th Street, New York,  
16 New York 10155, appearing on behalf of the child.

17 Good afternoon, your Honor.

18 MS. DOUGLAS: Good afternoon, your Honor.

19 Jo Ann Douglas, appointed as co-guardian for  
20 the child.

21 THE INTERPRETER: Anna Tokmakoff, Russian  
22 interpreter.

23 THE COURT: Please be seated.

24 MR. BIKE: I believe my client will take the  
25 child back to Kazakhstan. His visa doesn't allow him to  
26 stay here. His mother is also sick. It's not possible.



1 Proceedings

2 So he'll drop the order of protection.

3 THE COURT: The issue of the custodial  
4 obligations with respect to the child is not really what  
5 I am dealing with right now.

6 What I am asking is what you are planning to do  
7 about the order of protection proceeding.

8 MR. BIKE: We are going to withdraw it.

9 THE COURT: Fine. Thank you. That was really  
10 all I needed to hear.

11 If the order of protection -- now, that's one  
12 issue.

13 There is a second issue which concerns the  
14 action by the plaintiff.

15 MR. NEWMAN: If I may, your Honor.

16 We would respectfully request that the Court  
17 retain jurisdiction.

18 THE COURT: Retain jurisdiction of what?

19 MR. NEWMAN: Of the divorce action, your Honor,  
20 which also --

21 THE COURT: Go ahead.

22 MR. NEWMAN: Which also includes equitable  
23 distribution and all the other incidental relief.

24 I would respectfully point out to the Court, as  
25 I mentioned in our conference, that the Supreme Court of  
26 Kazakhstan has undertaken to hear the appeal on the



1 Proceedings

2 divorce that was heard in Kazakhstan. That will be  
3 heard on the 23rd of January.

4 As I understand it, they will be deciding  
5 whether or not to dismiss the entire case or allow the  
6 Judgment of Divorce to stand.

7 So in which case --

8 THE COURT: The only thing, as I understand,  
9 that is before the Court in Kazakhstan is whether to  
10 dismiss -- whether to vacate the Judgment of Divorce.  
11 Any other issue related to finances was appropriately  
12 before the Court.

13 And, in fact, as I understand it, the parties  
14 were instructed that they could proceed on the financial  
15 issues, which are dealt with separately.

16 The only reason why I have kept the Judgment of  
17 Divorce matter -- the divorce action pending here has  
18 been because there was a lack of clarity about the  
19 divorce proceedings in Kazakhstan, and also because  
20 there was pending the order of protection matter.

21 At this point in time, though, there is a  
22 Judgment of Divorce. It's not that the Judgment of  
23 Divorce has been vacated. And, in fact, it is my -- in  
24 Kazakhstan.

25 In fact, it is my understanding that there was  
26 already an appellate action regarding the Judgment of

1 Proceedings

2 Divorce in Kazakhstan that resulted in the favor of  
3 retaining the Judgment of Divorce.

4 Am I correct?

5 MR. BIKEL: Yes, your Honor.

6 THE COURT: So at this point I believe the  
7 application for the Judgment of Divorce in New York is  
8 untimely and should be dismissed.

9 If, in fact, the Court in Kazakhstan vacates  
10 the Judgment of Divorce, then you are free to take  
11 whatever step you want.

12 But even under -- the only way that this Court  
13 would take jurisdiction is if that divorce action was  
14 outright dismissed. If all that they do is vacate the  
15 Judgment of Divorce, the divorce action in Kazakhstan  
16 would have priority.

17 It is my understanding that the husband lives  
18 primarily in Kazakhstan. I'm not quite clear, but it  
19 seemed to me that the reason why the wife was here was  
20 because the unemancipated daughter was living here  
21 because the parties agreed that the child should attend  
22 a private school in New York, at least in part because  
23 of her talent, and that that was a choice that the  
24 parents had made.

25 But I don't see why at this stage New York has  
26 any basis to retain jurisdiction of this action. And if

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## Proceedings

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it is the case -- I also understand that the daughter is a senior in high school at this point, that she has applied to colleges, I don't know where and I don't need to know where, and that those applications are pending.

So that even if the father were to remove the child to Kazakhstan for some period of time, it would not be as disruptive as it might have been if it was earlier in this year, because we all know what happens the second half of senior year in high school, which is not much. So that I don't think it would necessarily be so damaging to the child if that were to happen.

I certainly think it would be better for this child to have some parental oversight, which has not been what is occurring while she has been in Manhattan.

I don't see a basis to retain this case.

MR. NEWMAN: If I may, your Honor.

It is my understanding that the Supreme Court in Kazakhstan has undertaken the appeal. And that, in reading the documents, and I can certainly provide translations for the Court, that they are going to determine whether or not the case in its entirety should be dismissed, not that they will --

THE COURT: But they haven't done that yet.

MR. NEWMAN: I understand that, your Honor. It is going to be heard on the 23rd of January.

1 Proceedings

2 THE COURT: I'm not interested, though.

3 Quite frankly, I have to tell you, counsel,  
4 this has been pending before me since 2017. At the time  
5 this -- I mean, really, there's been a lot of  
6 misrepresentations here, and not on your part, I  
7 understand that. You were not involved in the case  
8 early on.

9 MR. NEWMAN: Thank you, your Honor.

10 THE COURT: But that a divorce action was even  
11 filed here, at the time it was filed, was improper,  
12 since there was a Judgment of Divorce that had been  
13 filed -- had been obtained in Kazakhstan.

14 Then, I mean, I did keep it open, as I said,  
15 largely because there was the order of protection matter  
16 that was pending. I went through great efforts --

17 I'm sorry, is this inconvenient to you? To  
18 have you look at your watch, sir, since you have been so  
19 unresponsive to the Court. You are a man who left your  
20 child here unattended for months. And it was only  
21 because of the action that this Court took to protect  
22 this child legally if something had happened to her in  
23 your continued absence from her life. So I'm sorry if  
24 this is inconvenient to you.

25 The only reason why I kept this divorce action  
26 pending was because of the open other matter and because

1 Proceedings

2 this is the second time that I am being told that there  
3 was an appellate process proceeding. And after the  
4 first appellate process, the Judgment of Divorce stood.

5 I have no basis to believe that the Judgment of  
6 Divorce won't stand.

7 And if it doesn't stand, and if the entire case  
8 is dismissed, you can make whatever further application  
9 you want for a divorce at that time. But it is entirely  
10 improper for this Court to have this divorce action at  
11 this time.

12 MR. NEWMAN: May I --

13 THE COURT: So the action is dismissed.

14 The matter of the order of protection is  
15 withdrawn.

16 And, counsel, you have to take it upon yourself  
17 to advise the Court when the child has been removed.

18 I assume that the father is immediately going  
19 to remove the child, because I have three guardians in  
20 place. I need to end their stewardship of his daughter.

21 MR. BIKEL: My client is telling me within a  
22 week.

23 THE COURT: Well, I expect to have -- you're  
24 coming back to court in a week with proof that the child  
25 has been removed because I don't believe your client.

26 I want to see that the child, in fact, has been

1 Proceedings

2 removed. I want to see that she has been withdrawn from  
3 the school.

4 There are a lot of other players here whose  
5 lives have been disrupted by the failure of this family  
6 to treat anyone in this country respectfully.

7 There's a school that has to be notified where  
8 the child has to be withdrawn. This Court has to be  
9 formally notified so that the guardianships can end.  
10 And you have a week to do it.

11 MR. NEWMAN: On behalf of my client, we would  
12 oppose any removal of the child from this jurisdiction  
13 where she has lived for the last several years. And  
14 this is her home.

15 MS. DIAMOND: Your Honor, for the record, I  
16 understand why the child needs to be removed. If dad  
17 can't be here to be with the child, once your Honor's  
18 order is lifted, there's no question that the mom is  
19 going to be at the child's home.

20 As your Honor has said repeatedly, the only way  
21 to really protect Iman is to have her dad there to be  
22 able to protect her. And if that means he can't be  
23 here, while yes, it's unfortunate that she would need to  
24 change schools in the middle of her senior year, that  
25 is, at this point, what's going to be necessary to keep  
26 this child safe and to protect her, given her extremely

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2 fragile mental health state right now.

3 THE COURT: May I hear from Miss Douglas, who  
4 is a co-guardian in this matter.

5 MS. DOUGLAS: Your Honor, I would just echo  
6 what Miss Diamond said.

7 I would make it crystal clear that keeping this  
8 child safe isn't simply being safe from her mother.  
9 It's being safe even from the fear that her mother may  
10 accost her sometime. She's not prepared for that right  
11 now.

12 THE COURT: The Court should also note that I  
13 have met with the child. And I am aware of her fragile  
14 circumstances. I am also aware of the mother's fragile  
15 circumstances.

16 I'm not trying in any way to suggest how this  
17 came about, what responsibility, if any, the mother  
18 bears in what has occurred. I do think that,  
19 irrespective of the mother, that the daughter has some  
20 significant issues. And the one thing that I do know is  
21 that it is in her best interest to be with parental  
22 supervision.

23 This Court cannot be a substitute, nor can any  
24 order of protection be a substitute, for parental  
25 supervision.

26 Whatever unfortunate break in the relationship



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2 between the mother and daughter that has occurred cannot  
3 be repaired by this Court. And obviously the mother  
4 cannot -- and I am not faulting her for this, but the  
5 mother cannot at this point be the responsible parent  
6 for this child. It's very unfortunate, but I can't do  
7 anything about that at this point in time.

8 I am far more concerned that the child be under  
9 appropriate parental supervision. Perhaps if the child  
10 were stronger, the arrangement that had been created  
11 might have worked. But I think that it's just not  
12 appropriate. And I really do think that the only  
13 solution here is for the child to be with the one parent  
14 who she is comfortable being with at this point in time.

15 I do hope at some time, and this child will be  
16 turning 18, custody will no longer be an issue, I hope  
17 at that time that eventually a relationship between the  
18 mother and daughter can occur.

19 But based on the history of this case, my own  
20 observations of the daughter, what I have heard from  
21 both Miss Diamond and from Miss Douglas, and given that  
22 we're in the second half of the senior year in high  
23 school, I do believe that the best solution, admittedly  
24 not a great solution, is for the daughter to be with the  
25 father.

26 And since the father says he cannot stay in the

1 Proceedings

2 United States, which would have been an alternative that  
3 I would have accepted, I don't see any other option but  
4 for the child to leave with the father to return to  
5 Kazakhstan.

6 I do not believe that this Court has  
7 jurisdiction at this time to entertain the divorce  
8 action, given that there is a Judgment of Divorce.

9 The divorce action here is dismissed. I can't  
10 predict the future.

11 The order of protection action is withdrawn.

12 And the only thing that remains is the  
13 oversight that this Court now has as a result of the  
14 guardianship proceeding that I will adjourn until -- I  
15 can't do the 14th. I will put this on for January 15th.

16 MS. DOUGLAS: Thank you.

17 THE COURT: For proof that the child has been  
18 returned to Kazakhstan, with proof. I need some real  
19 proof.

20 MR. BIKEL: I understand.

21 THE COURT: And I don't need Miss Diamond here.  
22 I need Miss Douglas here on that date to address the  
23 dismissal of the guardianship proceeding.

24 MS. DOUGLAS: Thank you, Judge.

25 THE COURT: January 15th. Thank you.

26 MR. BIKEL: 9:30?

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Proceedings

THE COURT: 9:30.

COURT OFFICER: Parties step back.

\* \* \* \*

Certified to be a true and accurate transcript  
of the stenographic minutes taken within.

Diane Kavanaugh  
Diane Kavanaugh, RPR  
Senior Court Reporter

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